March 1995 Vol. 7, No. 7

GEORGIA/ABKHAZIA:
VIOLATIONS OF THE LAWS OF WAR AND RUSSIA'S ROLE IN THE CONFLICT

I. EXECUTIVE SUMMARY, RECOMMENDATIONS

On August 14, 1992, a fratricidal war broke out on the resort beaches of Abkhazia, a small territory located on the Black Sea coast of the newly independent Republic of Georgia. A sixteen-month conflict ensued between, on the one hand, Abkhaz forces aided by local civilians as well as fighters from other countries, primarily neighboring areas of the Russian Federation, and, on the other hand, the central government of Georgia, in the form of National Guard, paramilitaries and volunteers. The Abkhaz fought for expanded autonomy and ultimately full independence from Georgia; the Georgian government sought to maintain control over its territory. Intensive battles raged on land, air and sea. Several thousand were killed and many more wounded on both sides1; hundreds of thousands were displaced from their homes.

Human Rights Watch takes no position concerning the causes of the conflict or the status of Abkhazia. It has, however, documented that both sides of the conflict showed reckless disregard for the protection of the civilian population, and are responsible for gross violations of international humanitarian law - the laws of war. Combatants both deliberately targeted and indiscriminately attacked civilians and civilian structures, killing hundreds of civilians through bombing, shelling and rocket attacks. Combatants deployed and used major weapons in civilian areas, recklessly endangering peaceful residents by situating legitimate military targets close to their homes. They also used weapons like the Grad rocket, although these were notoriously inaccurate. Troops on the ground terrorized the local population through house-to-house searches, and engaged in widespread looting and pillage, stripping civilians of property and food. We have received countless reports on both sides that combatants captured during combat were killed and abused, primarily by the Georgians, and that combatants raped and otherwise used sexual terror as an instrument of warfare. Human Rights Watch believes these allegations to be credible.

The combination of indiscriminate attacks and targeted terrorizing of the civilian population was a feature of both sides' deliberate efforts to force the population of the other party's ethnic group out of areas of strategic importance.2 The practice was adopted first by the Georgian side, in the second half of 1992, and later, more effectively, by the Abkhaz side. The parties terrorized and forced the enemy ethnic population to flee, or took members of the enemy population hostage for leverage in later bargaining over population swaps. The Abkhaz conflict stands out in that in some cases entire villages were held hostage on the basis of the ethnicity of their population. Once Abkhaz forces had gained control of Abkhazia and the fighting died down, they prevented the free return to Abkhazia of displaced persons, who are overwhelmingly Georgian.3

Victims and eyewitnesses to atrocities in Abkhazia recounted that techniques used to terrorize people on the basis of their ethnic identities were similar. In a typical scenario, reportedly practiced by both Georgian and Abkhaz forces against civilians, a man would be stopped on the street by armed men and asked his identity or place of residence. If he identified himself as from an enemy group, the men would humiliate, threaten and beat him with fists and rifle butts. Then they would force him to take them to his home, where they would beat and intimidate the family, including children, and sometimes subject one or all to mock executions in front of the others. They would then typically rob the family, and sometimes take the male members, sometimes to terrorize them and their families, and sometimes to torture and execute them. Often these visits were repeated. Such ethnically-oriented abuse forced much population displacement.

Warfare in the Abkhaz conflict was characterized on both sides, most particularly in the beginning months and in rural areas, by a lack of formal, central military control over the operations of the rival forces. The command and control structures vital to military discipline and accountability were all but absent. Volunteers, mercenaries and other "outsiders" involved in combat in notable numbers collaborated with, but operated outside traditional military structures. At the same time, regular military commanders involved in joint operations with such forces or who otherwise acted in conjunction with irregular forces bore a high degree of responsibility for their acts. No serious measures to curb the abuses of their irregular allies have been documented. Individual combatants, both irregularsand those in traditional or formal structures, were

allowed to commit atrocities and violate the laws of war largely without fear of punishment from senior military staff. Nor were orders setting out minimum humane standards given to these forces. In some conversations with combatants, it became apparent to Human Rights Watch that often there was no understanding of even the most elementary laws of war, such as the need to protect civilians.

A result of the lack of effective command and control is that it complicates the process of establishing personal responsibility for war crimes. That notwithstanding, military commanders have shown little evidence of efforts to impose restraints on either their own troops or those irregular forces allied with and effectively lent authority by them. This represents at best acquiescence in the abuses committed. The pattern of the abuses committed over time by all sectors of the opposing forces during the conflict, however, suggests that abuses were not casual or sporadic or unintentional; nor were they a consequence purely of individual initiatives. This raises the question of whether the pattern of abuse by the disparate forces fielded by each side was more a consequence of a lack of control, or of a considered intent to go beyond the limits of the law in the waging of the war. The evidence suggests a combination of both.

Russia's extensive involvement in the Abkhazia conflict brought with it certain responsibilities for the human rights and humanitarian law violations that occurred there. Russia was in various ways responsible for escalating human rights abuse: members of its armed forces made available weapons to groups or individuals known or likely to use them to commit atrocities, and members of its forces indeed carried out a large number of attacks against Georgian targets, which resulted in civilian casualties.

This report documents war crimes in order to determine responsibility for them, and to inform the international community about events in the region so as to mitigate and prevent additional abuses. The roughly 200,000 displaced persons who fled the conflict zone4, mostly in a mass exodus at the end of 1993, are being deprived of their unconditional right to return home. Once returned, they may either perpetrate or be the victims of discrimination and physical abuse. Perpetrators of war crimes on both sides of the conflict are not, by and large, being prosecuted and punished, and there is a near certainty that individuals accused of war crimes will not receive fair trials.

A sustained cease-fire has been in force, with some lapses, since December 1993, enforced by some 136 military observers of the United Nations Observer Mission in Georgia (U.N.O.M.I.G.), and, since June 1994, by 1,600 Russian peacekeeping troops, nominally under the flag of the Commonwealth of Independent States (C.I.S.), the successor body to the Soviet Union. After more than two years of difficult Russian- and U.N.-mediated negotiations, as of this writing the parties are only marginally closer to a lasting peace settlement. The primary point of difference is over the political status of Abkhazia. The Abkhaz authorities seek full independence from Georgia or, at a minimum, confederative status within it; the Georgians seek to restore the full territorial integrity of the Georgian Republic.

No political settlement has been reached; only a handful of individuals have been prosecuted for war crimes; hostages reportedly continue to be held; about half of the pre-war population of Abkhazia, overwhelmingly Georgian, is living in temporary housing outside of Abkhazia, prevented from returning home safely; and the movement of arms into the region and among its people is uncontrolled. Even since the introduction of peacekeepers, violations have persisted. Several Abkhaz policemen reportedly have been killed in skirmishes, nine Georgian sailors were reported to have been taken prisoner in Sukhumi in September 1994, and several houses belonging to Georgians reportedly have been burned down in the Gali region, apparently as an act of collective punishment intended to deter the return of ethnic Georgians to the town.

The office of the United Nations High Commissioner for Refugees (U.N.H.C.R.), which has been supervising the repatriation of some 200,000 displaced persons to Abkhazia since the fall of 1994, suspended the repatriation process in late 1994 to show its dissatisfaction with the progress made (only 311 displaced persons had been formally repatriated as of December 1994), raising further doubts about the efficacy of a negotiated resolution to the conflict.5 On November 26, 1994 the Abkhaz Supreme Soviet adopted a new constitution proclaiming Abkhazia an independent state, slowing progress to date in resolving political differences. The Abkhaz leader, Vladislav Ardzinba, was inaugurated as president on December 6. The outbreak of hostilities in the neighboring regions of Russia, Chechnya and Ingushetia, in December 1994 has further eroded the security situation in Abkhazia. On January 13, 1995, armed formations from Georgia headed for Abkhazia in buses, ostensibly to expedite the stalled repatriation process; they were stopped by government officials. All of these highly destabilizing developments raise fears that abuses will continue in the conflict.

EVOLUTION OF THE WAR

The earliest part of the war, from August to September 1992, was fought mostly in hand-to-hand combat on the streets and beaches of Sukhumi, then the capital of Abkhazia. Georgian combatants, loosely knit groups of soldiers and marauders, murdered andintimidated the local residents, who were taken by surprise and were almost entirely unarmed, and looted and pillaged homes extensively, targeting ethnic Abkhaz. Many, mostly Abkhaz, left in those first weeks, with the result that those civilians remaining – primarily Georgians – became the target of the heavier bombardments of Sukhumi that followed the initial incursions.

As several cease-fire agreements failed almost immediately, both sides increased their arms capabilities, fortified positions around Sukhumi, and through December of 1992 launched air strikes on each other's positions in and around the capital. Georgian forces also pressed south to eliminate resistance in the Ochamchira region, and began to lay siege to the mountainous town of Tkvarcheli, a stranglehold that held for most of the war, creating a severe humanitarian crisis in that region.

Gradually, the Abkhaz side caught up in terms of firepower, and through the end of 1992 the parties engaged in see-saw fighting along the Gumista River. The fighting escalated as both sides conducted air raids. Sukhumi and environs suffered almost daily air attacks, with heavy civilian casualties. By the beginning of 1993, Abkhaz forces had retaken all of the territory between the Gumista and the Russian border to the north, including the town of Gagra, taken in a bloody assault.

A stalemate set in along the Gumista in the first half of 1993. With the assistance of Russian military equipment and logistics, Abkhaz forces launched three major assaults on Sukhumi – on January 5, in mid-March and on July 1 – but failed to take the city. Persons interviewed by Human Rights Watch who lived through that period told of relentless shelling, long months of living in cellars without access to basic supplies, and the terror of seeing neighbors and relatives fall to indiscriminate shelling. At the same time, Abkhaz villages were being terrorized by Georgian troops in the Ochamchira district. Those interviewed by Human Rights Watch recalled daily intimidation, widespread looting and house-to-house murder. The humanitarian crisis peaked in the besieged town of Tkvarcheli, where Abkhaz and a relatively large number of Russians were effectively held captive.

On July 27, 1993, both sides agreed to a cease-fire. When the political agreement appeared to take hold, the U.N. deployed several of the promised fifty military observers to the conflict zone. During the lull, the violent power struggle between the Georgian central government under Head of State Eduard Shevardnadze and supporters of his predecessor, President Zviad Gamsakhurdia, reasserted itself after having been dormant for much of the war in Abkhazia. Indeed, the degree of the military threat from Abkhazia determined at various points in the fighting whether the anti-government forces would fight alongside Shevardnadze's forces or turn their guns on them. The renewed hostilities, concentrated on Abkhazia's southern border, complicated Georgia's troop withdrawal, mandated under the cease-fire agreement. On September 16, 1993, Abkhaz troops broke the cease-fire, citing Georgia's failure to comply with the terms of the agreement, and opened an all-front attack. The sudden incursion caused a hemorrhaging of civilians from the region. Some were evacuated by sea; others fled through mountainous Svanetia, where many died of hunger and exposure. Eleven days later the Abkhaz troops had regained control of almost the entire territory of Abkhazia and returned the military situation to the status quo ante bellum - boundaries which have not changed as of this writing.

Taking advantage of the weakness of the Georgian position, anti-government forces again reasserted themselves in October, taking control of critical railroad lines and other strategic facilities in western Georgia. In apparent desperation, on October 23 Shevardnadze paved the legal way for Russian troops to help retake the railroads and other key points by approving Georgia's membership in the Commonwealth of Independent States, of which Russia is the most powerful member - a step the Georgian government had adamantly resisted since declaring independence.

Following the first round of peace negotiations on December 1, 1993, the Georgian and Abkhaz sides signed an Agreement of Understanding. Despite the formal cessation of hostilities, fighting broke out in February and March of 1994 in and around the Gali region of Abkhazia. There have also been reports of local fighting where displaced persons were attempting to repatriate. Throughout 1994, the U.N. sponsored negotiations to resolve the political status of Abkhazia, the withdrawal of Georgian troops from Abkhaz territory, and the repatriation of displaced persons. Representatives of Georgia, Abkhazia, Russia and the O.S.C.E. (Organization on Security and Cooperation in Europe) regularly participated in these negotiations. Russian peacekeeping troops entered the conflict zone in June, demining the region and opening a safety corridor along the Inguri River. After several false starts, the repatriation program, sponsored by the U.N.H.C.R., began in September 1994 but was suspended soon thereafter.

The Role of the Russian Federation in the Conflict

The conflict in Abkhazia was heightened by the involvement of Russia, mostly on the Abkhaz side, especially during the war's initial stages. Whereas Russia has endorsed the territorial integrity of the Republic of Georgia, Russian arms found their way into Abkhaz hands, Russian planes bombed civilian targets in Georgian-controlled territory, Russian military vessels, manned by supporters of the Abkhaz side, were made available to shell Georgian-held Sukhumi, and at least a handful of Russian-trained and Russian-paid fighters defended Abkhaz territory in Tkvarcheli.

The motives of Russian military involvement have been the subject of much speculation. It has been regarded by some as post-imperial meddling, as genuine humanitarianism by others, and by still others as something in-between. The Russian role in this conflict has in part

foreshadowed the brutal Russian behavior in Chechnya, and has contributed to a pattern of Russian disregard for human rights and violations of the laws of war.

Our sole purpose in investigating Russia's military involvement is to determine the extent to which it was responsible for committing violations of the laws of war and assisted abusive parties in committing atrocities; and determine as well at what level ofmilitary command abuse was permitted, or even ordered to be carried out. Our focus on Russian involvement in the war should in no way detract from the responsibility of the major combatant parties for human rights abuses.

Russia has played a decisive role in determining the course and outcome of the war in Abkhazia, both positive and negative, because it has immediate stakes in the conduct of military action and its outcome. Stability in the region is important to Russia, which shares a border with Georgia, including Abkhazia. Abkhazia is a fertile area, and a treasured resort spot, particularly for the Moscow elite. Russia has also sought to protect ethnic Russians living in the region.

Throughout the conflict, Moscow maintained official neutrality, condemned human rights violations, and imposed sanctions on both Georgia and Abkhazia in response to their misconduct. It also provided essential humanitarian assistance, such as delivering emergency supplies, particularly to areas where there was a significant Russian minority in jeopardy, and evacuating civilians trapped in the fighting. From the first days of the war, Russia assigned diplomats to facilitate the peace process, and in 1994 deployed peacekeeping troops to enforce the cease-fire. Its military facilities and personnel, stationed in Georgia since before the break-up of the Soviet Union, came under attack and eventually Moscow gave the order to return fire.

Numerous Russian foreign policy statements have shown that Russia perceives special prerogatives and responsibilities for itself throughout the former Soviet Union. These prerogatives are legalized through bilateral accords and through a series of agreements that link almost all of the former Soviet republics under the rubric of the Commonwealth of Independent States. At the beginning of the outbreak of hostilities in Abkhazia, the Georgian leadership had consistently opposed joining the C.I.S., fearing it would impinge on Georgia's hard-won independence. Additional treaties regulating bilateral military relations with Russia, including the fate of Russian bases on Georgian soil, had not yet been finalized. Some analysts argue that a Georgian defeat was in Russia's strategic interest because it would make Georgia more willing to grant Russia military and political concessions. With the cessation of hostilities, Georgia has indeed acceded to the C.I.S. treaty, agreed to allow Russia to maintain three military bases in Georgia, and agreed to an open-ended Russian military presence in the form of peacekeepers in the break-away territory of Abkhazia. It is this scenario more than any other that may explain why Russia has neither acknowledged its own responsibility, nor condemned the acts of others when Russian weapons found their way into the hands of Georgia's enemy and Russian planes and ships were used to attack Georgian-controlled territory.

RECOMMENDATIONS

To the Government of the Republic of Georgia

• Condemn human rights abuses and violations of the laws of war committed by all perpetrators during the conflict in Abkhazia.

• Bring to justice such perpetrators of abuses in full conformity with international standards of due process.

To the Commanders of the Abkhaz Forces

• Condemn human rights abuses and violations of the laws of war committed by all perpetrators during the conflict in Abkhazia.

• Bring to justice such perpetrators of abuses in full conformity with international standards of due process under Common Article 3 of the 1949 Geneva Conventions.

• To the extent that Abkhaz commanders have invited, encouraged or accepted the services of "volunteers," both local and foreign, they must take full responsibility for holding actions by these irregular fighters to international humanitarian standards. This means bringing to justice those volunteers who are found to have violated the laws of war.

• Allow any individual residing in Abkhazia prior to the outbreak of hostilities to return to their homes unconditionally.

To the Government of the Russian Federation

• Condemn human rights abuses and violations of the laws of war committed by all perpetrators during the conflict in Abkhazia.

• Increase control of weapons armories belonging to the Russian armed forces, both on the territory of the Russian Federation and on the territory of Georgia and the conflict zone.

• Increase control of the border between the Russian Federation and Georgia to minimize the flow of arms and paramilitary combatants to the region.

• Clarify the status of members of the Russian armed or security forces in the conflict in Abkhazia, and bring to justice those who are found to have engaged in abuses of international humanitarian law. Moreover, the Russian Federation should assume full responsibility for the adherence to international humanitarian standards by fighters acting under its aegis or from its territories, and should take steps to ensure that fighters who do not agree to abide by such standards are prevented from taking up arms. Russia should not contribute to the capacity of a party to a conflict to wage a war where that party has shown an abject disregard for basic human rights norms.

• Give assurances that its peacekeeping forces will observe human rights and permit monitoring by international organizations.

To the Confederation of Mountain Peoples of the Caucasus

• Halt the flow of arms between the Caucasus states and Georgia until a firm commitment to international human rights and humanitarian law standards is made by the parties to the conflict.

• Assume full responsibility for the adherence to international humanitarian standards by fighters acting from its territories, and take steps to ensure that fighters who do not agree to abide by such standards are prevented from taking up arms.

To the United Nations

• Condemn and remove immediately any measures which restrict any categories of displaced persons from repatriation.

• Ensure that any individual residing in Abkhazia prior to the outbreak of hostilities be allowed to return to Abkhazia unconditionally.

• Impose conditions of compliance with human rights upon any deployment of military observers and/or peacekeeping forces by any parties.

• Extend the mandate of the United Nations Observer Mission in Georgia (U.N.O.M.I.G.), established by Security Council Resolution 858 (1993), when it expires in May 1995.

To the Organization on Security and Cooperation in Europe

• Deploy human rights monitors in Abkhazia, whose mandate should include the monitoring of abuses, intervention on behalf of victims, receipt of complaints, and periodic reporting to the Secretariat of the O.S.C.E.

II. INTRODUCTION: THE HUMAN RIGHTS CONSEQUENCES OF "MANAGED" CONFLICTS IN THE FORMER SOVIET REPUBLICS

On August 14, 1992, war broke out in Abkhazia, a small territory in the northwest corner of the Republic of Georgia that borders on the Black Sea. Attacked by Georgian forces nominally under the command of Georgian leader Eduard Shevardnadze, Abkhaz forces led by Vladislav Ardzinba have pressed for expanded autonomy within Georgia, and now full independence or at least confederation within Georgia. Though relatively small in scale, the conflict is reminiscent of the war in Bosnia as well as conflicts in other parts of the former Soviet Union, such as in Azerbaijan, Tajikistan, and Moldova and most recently in Russia's own southern territory of Chechnya. The fighting has been brutal, and

marked by indiscriminate attacks on civilians, hostage-taking, and forced relocation of population groups on the basis of their ethnicity, all serious violations of human rights and the laws of war.

The Abkhazia conflict has also been marked by intervention, at various levels, of the Russian Federation. In that sense, this war appears to exemplify certain brutal patterns of conflict in what, in the post-Soviet world, is often referred to by Russians as the "near abroad." Some of these patterns are political, others economic, still others military, and some – the focus of this report – are patterns and antecedents of human rights abuse.

In the Russian government's worldview Russia has a duty to "manage" conflicts occurring in the former Soviet republics, much as the United States saw it as its responsibility to "manage" conflicts in its own "backyard" – Latin America and the Caribbean – from the Monroe Doctrine in the early 19th century onward.6 In the case of Abkhazia, the Russian role has consisted of affording military and political support now to one side, now to another – thereby, in effect, "managing" the conflict.7

The role the Russian Federation played in 1992-93 compounded the severe human rights crisis generated by the fighting. Later, Russian peacekeeping forces mitigated abuses during 1994 by demining the larger part of the conflict zone and ensuring compliance with the cease-fire agreement for most of the year.

Human Rights Watch takes no position on the merits or demerits of a state's projection of its power in regional conflicts, as long as that state's actions, from a human rights perspective, satisfy two conditions. In the case of Russia's role in the Abkhaz conflict,these conditions are that Russia should not materially assist a party to the conflict that is, *prima facie*, responsible for abuses of human rights and the laws of war, and that Russian forces should not themselves violate internationally recognized human rights and the laws of war. Russia's government must take responsibility in particular for the actions of members of its armed forces and security apparatus who are deployed, overtly or covertly, to take part in hostilities.

Clearly, responsibility for human rights abuses in Abkhazia belongs first and foremost to the principal parties to the conflict: combatants from greater Georgia, Abkhazia and the North Caucasus. Yet, by supporting, at various times during the conflict, both Georgian and Abkhaz forces, Russia takes a prominent share in the responsibility for the abuses that have been committed, and the consequences of which continue to stare any visitor in the face in the form of refugees, shattered lives, and destroyed property.

The patterns of conflict visible in Abkhazia are important, apart from the simple fact of abuse. They shed light on similar patterns of abuse elsewhere in conflicts in the former Soviet republics, some of which have not yet broken out into open war.

NINE GENERAL PATTERNS OF CONFLICT IN THE FORMER SOVIET REPUBLICS

Ethnic War

Most obvious is the brute fact of ethnic war. In the Abkhaz fighting, people have been killed, hostages taken, property looted and destroyed, and whole populations forced out of their homes on the basis of ethnicity. This is true as well for many other conflicts in the former Soviet republics. What the Abkhaz war has in common with these other conflicts is that it is rooted in part in the rise of ethnic nationalist sentiments – on both the Georgian and Abkhaz sides – coincident with the collapse of the Soviet Union.

Contemporary Politics, Not Ancient Ethnic Hatred

Yet the fact of ethnic war does not explain very much either about the Abkhaz conflict or about ethnic wars elsewhere in the former Soviet republics. Ethnic conflict is not a *sui generis* phenomenon. The turn from ethnicity as a cultural fact in Abkhazia during the Soviet era to ethnicity as a reason for war is directly rooted in three closely linked contemporary phenomena. First was the rise of the late Georgian leader Zviad Gamsakhurdia, the first popularly elected president of the Republic of Georgia since Soviet rule. Having won the 1991 elections with 86 percent of the vote, he sought to build a strong state on a patriotic-nationalist platform which proved frightening to non-ethnic Georgians.

Second was the collapse of virtually all modern state structures and authority into the anarchy, gangsterism, and lawlessness that have characterized Georgia in recent years. This social breakdown was rooted in many causes, but one of them was surely Gamsakhurdia's tendency toward dictatorial rule, exemplified by systematic abuses of human rights during his tenure as head of state.8

Third, as a consequence of the second, was the rise of independent armed groups, some with political pretensions and some simply armed bands. These utterly undisciplined bands of armed men, some with loyalty to a warlord, had sufficient firepower in early 1992 to turn against what remained of the Gamsakhurdia state. The two most important armed militias, Tengiz Kitovani's National Guard and Jaba Ioseliani's "Mkhedrioni" ("Horsemen"), became the de facto armies of Eduard Shevardnadze's government (which replaced Gamsakhurdia's government following the latter's ouster in a coup in 1992) in the Abkhaz war.

In the vacuum left by the collapse of state controls, other loyalties were able to come to the foreground: loyalty to a militia leader, for example, or loyalty to one's ethnic group. Ethnic sentiment was then mobilized and whipped up even further by the militias and other paramilitary groups, who pursued ethnic agendas of the worst chauvinist sort to serve their own private ends.

The Lack of Democratic Legitimacy and the Rule of Law

It thus cannot be said whether, absent the breakdown of state and civil order in Georgia and the rise of militias not answerable to any civil authority, Abkhaz demands for expanded autonomy would have resulted in armed conflict or not. Nor is the breakdown of civil order the only way in which ethnic strife is catalyzed; strong states, too, are capable of unleashing and provoking ethnic war for state purposes. But it can be said, in many situations of the former Soviet republics, that among the direct causes of ethnically motivated war are the collapse of the state structures of the communist era coupled with the failure to erect democratically legitimate structures founded on the rule of law and the protection of basic human rights (including those of members of minorities).

Indiscipline and Lawlessness of Armed Units

In many armies of the world, human rights abuse goes hand in hand with the strictest military discipline. Not so with these fighters; their disregard for human rights and humanitarian law matters is compounded by their general pattern of indiscipline in all things military. Military leaders, in turn, exhibit an evident disinterest in imposing restraint on their forces. One of the principal abuses in the Abkhaz armed conflict, and a consequence of the conditions described above, is the destruction wrought by undisciplined,heavily armed bands, with or without political pretensions. Often the violence is directed according to ethnicity. Over and over again the pattern in the Abkhaz conflict has been the looting and sacking of "enemy" ethnic towns, villages, neighborhoods, and individual homes.

These fighters are not real soldiers in the professional sense. Typically, they serve in loose units out of personal loyalty, or for booty, or revenge on specific individuals, or a desperate hope of protecting or regaining their territory. These are, significantly, armed formations without noncommissioned officers, the disciplinary backbone of professional armies. There are no sergeants in these ranks, no one to insist on discipline among the ordinary soldiers even of a strictly military, prudential nature – to sandbag positions, dig trenches, safeguard bivouacs.

Lawlessness on the Georgian side has been both a cause and symptom of its military ineffectiveness. Outlaw tactics by the Abkhaz, by contrast, particularly the violence following the fall of Sukhumi, proved singularly effective in driving out remaining Georgians, the strategic goal of the Abkhaz side. In either case, it is enormously violent and appallingly abusive.

It is important to recognize, though, that where there is a predisposition to particular brutality, as in the highly charged context of ethnic-driven warfare, military or paramilitary leaders can be expected to build on this prior motivation. There is a real incentive to free their forces from restraint for tactical reasons, so long as the intent to terrorize and drive away civilians is there. Commanders of both Abkhaz and Georgian forces must therefore be held accountable for failing to restrain the forces under their command when it was obvious that these were engaged in practices that amounted to serious abuses of the laws of war.

Forced Relocation

The pervasive forced relocations of populations by ethnicity have been a principal characteristic of the conflict, but are unsurprising. The Abkhaz conflict is an especially striking example of this fact of conflicts in the former Soviet republics.

In the 1989 census, only 17 percent of the population of Abkhazia were Abkhaz, while close to 50 percent were ethnic Georgians. An inescapable result of this demographic reality is that the Abkhaz side has little incentive to permit Georgians to return to their homes, because they would once again dilute the proportion of Abkhazians to the general population.

There are also areas in Abkhazia where the Georgians have sought to drive out the Abkhaz population en masse. Still, it remains an objectively greater long-term strategic interest for the Abkhaz, which has been reflected in the pattern of Abkhaz fighting.

Disordered Warfare

Wars in the former Soviet republics typically feature the use of highly advanced land weapons systems from the Soviet arsenal. Yet they also typically feature improvised, poorly executed arrangements to cover endemic shortages of fuel, ammunition, spare parts, medical

supplies and, sometimes, even food.

In the Abkhaz conflict, both sides have used heavy artillery, rockets, armored vehicles, and sophisticated anti-aircraft and anti-tank portable missiles. Fixed-wing aircraft have been used only on relatively few occasions, compared with the amount of artillery fire; attack helicopters have not typically been used, except in the early days by the Georgians; use of transport helicopters has been more common. However, there is little so-called "C3" (command, control, and communications) capability, considered essential for modern conventional warmaking and the militarily rational use of these advanced weapons systems, except when supplied by Russian forces. For example, actual aiming of artillery, mortars and rockets in a standard military manner is minimal because neither side is known to have employed forward spotters or fire control systems – a major factor in the extraordinary indiscriminateness of this and similar wars in the former Soviet republics.

Shortages and logistical impasses have occurred regularly on both sides, particularly in the matter of fuel and spare parts, forcing fighters to improvise. In the Abkhaz conflict, shortages are compounded by the fact that Russia controls much of the fuel supply (oil and natural gas lines) to Georgia, and even the telephone lines to Abkhazia. It can exert considerable logistical pressure on any party if it chooses. The result is a "disordered warfare" that is the analogue of the lawlessness of the fighters and the disinterest of their leaders in imposing restraint on their actions: high technology coupled with improvisation, weapons of great firepower which yet lack adequate control mechanisms from both the military and humanitarian points of view. This disordered warfare is perhaps symbolized by the use of an advanced model armored personnel carrier – seen on the Abkhaz side of the front line along the Gumista river – as a stationary bunker simply for lack of fuel to drive it anywhere.

Indiscriminate Attacks

In Abkhazia, as in other parts of the former Soviet republics, war results in vast indiscriminate destruction and militarily needless and indefensible collateral damage. The situation is not improved by the readily observable lack of interest among the fighters themselves in controlling their fire. Moreover, if one of the principal objectives of the conflict is to move populations, the destruction of civilians and civilian objects, and consequent terror, is often not merely collateral, but firepower's true aim.

The Russian Presence

Russia's presence in the former Soviet republics is strong; yet it is also fluid, ambiguous, and appears to represent varied interests and commands. It may involve the supply of weapons, logistical, financial or planning support, intelligence sharing, or military intervention by Russian forces. Yet who gives the orders often cannot be determined. For example, it is unclear in the Abkhaz conflict, as in some of the other wars in former Soviet republics, whether Russian military involvement emanates from local base commanders, senior levels of the Russian government, or one or another faction within the defense establishment. The Russian government must, regardless, be held responsible for this involvement. Questions about the Russian role take on more importance since Russia sent peacekeeping troops to Abkhazia in June 1994 under the flag of the Commonwealth of Independent States (C.I.S.). Human Rights Watch takes no position on the deployment of peacekeeping forces, or outside forces generally, in these conflicts, except that it believes that appropriate measures must be taken to ensure that these forces themselves will respect human rights, and press the parties to the conflict to do the same, including through monitoring an reporting abuses. The international community has a responsibility to secure these measures.

"Outsiders" in the Conflict

The Abkhaz conflict, like many other wars in the former Soviet republics, has featured the participation of numerous "outsiders" – i.e., fighters who were not resident in Georgia before fighting broke out. Press reports have suggested that "outsiders" far outnumbered local Abkhaz fighters in the September 1991 fall of Sukhumi. Many of these fighters appear to have come from other parts of the Caucasus, primarily southern Russia. Whether they are "mercenaries" or "volunteers" has been a subject of debate.

HUMAN RIGHTS WATCH'S ROLE IN MONITORING CONFLICTS IN THE FORMER SOVIET REPUBLICS

The Human Rights Watch Mandate

Human Rights Watch, including its Helsinki and Arms Project divisions, seeks to monitor, prevent, and demand accountability for human rights and humanitarian law violations. The organization takes no position on justifications for or against secession, border or territorial disputes, historical claims to land, the rights of "peoples" rather than individuals, the legality or illegality of the presence of foreign troops (whether as "peacekeepers" or in any other role), or the use of armed force or armed intervention per se.

But it does report the human rights consequences of any of these situations. Human Rights Watch seeks to answer, consistent with this mandate, the question of who supplies weapons or security assistance to parties to a conflict known to be abusive. Its purpose is to demand accountability from the supplier for the human rights consequences of the use of those weapons or security assistance. The purpose of this inquiry is to press for human rights accountability on the basis of the documented facts. Human Rights Watch takes no position on whether Russia's interventions in the former Soviet republics in general and in the Abkhaz conflict in particular, are humanitarian, peacekeeping, imperial, or something else in nature. Human Rights Watch's sole preoccupation is whether these interventions involve human rights abuse or the provision of weapons or security assistance to human-rights abusing forces.

Standards Applied by Human Rights Watch

Human Rights Watch applies internationally accepted norms of civil and political rights as standards in its monitoring and reporting on human rights. In situations of armed conflict, it also applies international humanitarian law (the laws of war).

In the view of Human Rights Watch, the Abkhaz conflict is a non-international armed conflict within the meaning of Article 3 common to the four Geneva Conventions of 1949 and the 1977 Protocol II Additional to the Geneva Conventions. At a minimum, both parties to the conflict are bound by Common Article 3. In addition, both parties are bound by Protocol II, as the conditions of Art. 1 of Protocol II have been met: Georgia acceded to Protocol II on September 14, 1993, while the Abkhaz forces have exercised such control over territory "as to enable them to carry out sustained and concerted military operations."

Moreover, those standards of humanitarian law that have achieved the status of customary international law also apply to the parties to the conflict, as do those standards that are recognized as an elaboration of standards that are described too generally in Common Article 3 or Protocol II. The right of displaced persons to return home at the end of the conflict (Art. 134 of the IV Geneva Convention) is one such standard: it applies to the parties to the Abkhaz conflict even though it is mentioned explicitly in neither Common Article 3 or Protocol II.

Finally, as a State, the Republic of Georgia is also bound by the norms of international human rights law. This includes norms of customary international law, as well as treaties signed or acceded to by Georgia.

As for the Russian Federation, it too is bound by the laws of war. Whereas actions by Russian forces during the Abkhazia war did not necessarily transform the conflict from a non-international to an international one, such actions risked internationalizing the conflict, and in the view of Human Rights Watch, the Russian Federation is bound, in those instances where elements of the Russian army acted outside the border of the Russian Federation, by the full range of international humanitarian law, and can therefore be held accountable for such actions.

Chapters 2-6 offer a detailed factual description of the Abkhaz conflict since it broke out in armed violence in August 1992 to the early part of 1994, set against standards of international human rights and humanitarian law. The purpose of this factual review is to establish culpability and complicity in human rights abuses and to demand accountability from both those responsible for abuse and the suppliers of weapons that have helped make the abuses possible.

III. ANTECEDENTS TO THE ABKHAZ CONFLICT

CIVIL WAR IN GEORGIA

Although fighting did not begin in the Abkhaz conflict until August 1992, political events in Georgia during at least the two preceding years paved the way for open war.9 First among these were the armed conflict between Georgia and its northern region of South Ossetia which broke

out in 1991. Like Abkhazia later, South Ossetia was seeking autonomy from Georgia, and the Georgian central government fought to prevent its secession. Peacekeeping forces were introduced to South Ossetia, and after the fighting died down, the parties have pursued a political solution to the conflict through negotiation.

The other contributive event was the civil war between forces for and against then-president Zviad Gamsakhurdia, which was playing itself out in the Georgian capital and in Mingrelia, Gamsakhurdia's home province and the main base of his support.10 Mingrelia is important also because it borders Abkhazia to the south. As a show of solidarity against the Abkhaz, supporters of Zviad Gamsakhurdia periodically threw in their lot with the government forces during the conflict.

Eduard Shevardnadze's inability to control the country's armed formations, when he became head of state in March 1992 following Gamsakhurdia's ouster in January of that year, was another factor contributing to the outbreak of war. Abkhaz rebels moved independently to take advantage of the opportunity presented by political disarray in Georgia.

In April 1991, the Republic of Georgia declared itself independent of the Soviet Union.11 The following month, in May 1991, Gamsakhurdia was elected president of Georgia with about 86 percent of the vote. A philologist by training, Gamsakhurdia had stature within Georgia by reason of having been a dissident and political prisoner in the Soviet Union, and because his father, Konstantine, was a prominent writer.

Within months of his election as president, Zviad Gamsakhurdia became "increasingly dictatorial" in his methods of governance, "arresting political opponents, imposing censorship of the media, and blaming Moscow for any manifestations of dissent."12 Human Rights Watch/Helsinki repeatedly expressed concern during this period about human rights violations committed during the Gamsakhurdia regime.13

The formation of a broad range of political armed groups in Georgia, including extreme nationalist organizations along paramilitary lines (which played so important a role in the subsequent Abkhaz conflict), predated Georgia's formal independence from the Soviet Union by several years. In the late 1980s, there were numerous, mostly small paramilitary groups in Georgia; one estimate claims 60,000 total volunteers in paramilitary groups by early 1990.14 In 1990, the principal paramilitary organization was the Mkhedrioni, established by Jaba Ioseliani in 1989, as a black-uniformed, extreme nationalist militia under his personal control,although "by late 1990 ... it had fallen foul of Gamsakhurdia. Ioseliani was subsequently jailed [in February 1991], while Mkhedrioni activity was barred."15

In the meantime, the Gamsakhurdia government in early 1991 formally established a National Guard, sworn to defend "Georgian territorial integrity, constitutional rights, and the freedoms of its citizens."16 Although the National Guard was originally set up as a force loyal to the Gamsakhurdia government, within a few short months in 1991, internal factionalism centered around Gamsakhurdia's increasing authoritarianism brought its main element, commanded by Tengiz Kitovani, into opposition against the Georgian president. Elements remaining loyal to Gamsakhurdia increasingly became identified with him on the basis of region, rather than politics.

Kitovani and his faction of the National Guard broke for good with Gamsakhurdia when, in August 1991, Kitovani reportedly refused an order to open fire on demonstrators in the capital city Tbilisi, who were demanding new elections. For a period of some six weeks thereafter, "Tbilisi was the scene of mass pro- and anti-Gamsakhurdia demonstrations that petered out only when [Kitovani's] rebel faction of the National Guard withdrew from the capital."17 On December 20, 1991, the political opposition to Gamsakhurdia issued new calls for his resignation. When the president ignored them, Kitovani's National Guard, together with members of Ioseliani's Mkhedrioni, launched an "all-out attack on the Georgian parliament building, where the president had gone to ground," leaving considerable parts of downtown Tbilisi in ruins, as they remain today.18 This was the beginning of the Georgian civil war.

On January 6, 1992, Gamsakhurdia fled Tbilisi, eventually settling in Chechnya. (Chechnya, the neighboring republic in southern Russia that had declared independence from Moscow the previous year, came into open armed conflict with Russia over its status within the Russian Federation in December 1994.) The fighting that toppled Gamsakhurdia was in effect a coup by Kitovani's National Guard and Ioseliani's Mkhedrioni. Never renouncing the presidency, however, Gamsakhurdia continued to fight against the subsequent Shevardnadze government with his supporters until his death of uncertain causes on or around December 31, 1993 – albeit with lulls and occasional periods of cease-fire established in the interests of a common Georgian front against the Abkhazians.

THE SHEVARDNADZE GOVERNMENT

Shevardnadze returned to Tbilisi from Moscow in March 1992, declaring his motives to be patriotic and saying he had a moral obligation to help as best he could in a time of crisis.19 In March 1992 he became head of a new State Council, which replaced the Military Council,

established by Kitovani and Ioseliani; his official title at that time was chairman of the State Council Presidium, and Kitovani and Ioseliani were appointed deputy chairmen along with former prime minister Tengiz Sigua. Because of his efforts as Foreign Minister of the Soviet Union under President Mikhail Gorbachev's reformist leadership, Shevardnadze's return to Georgia brought a certain international legitimacy, and his government was soon granted recognition by the United Nations and almost the entire international community.

But Shevardnadze's ascension did not bring internal stability; real military power continued to be exercised by Kitovani, who retained command of the National Guard, and Ioseliani, whose Mkhedrioni effectively became an arm of the state.20 To deal with continuing support for Gamsakhurdia, Shevardnadze imposed press censorship and detained some opponents. This did not stop the continuing civil war, however; in Mingrelia (on the Abkhaz border), armed Gamsakhurdia supporters continued hit-and-run attacks, blew up bridges, and disrupted rail traffic.21

In a bid for political legitimacy, Shevardnadze scheduled parliamentary elections for October 11, 1992, which Gamsakhurdia promptly announced he and his supporters would boycott as unconstitutional. Central to the October 1992 election was the provisionof a "parliamentary chairman," who was not part of any of the forty-seven parties registered to put up candidates; the sole candidate for the post was Shevardnadze himself.22 Shevardnadze won the October 1992 election with 96 percent of a vote that, as one commentator noted, "enhanced Shevardnadze's international prestige without substantially augmenting his authority."23

A cease-fire was reached in late 1993 with the pro-Gamsakhurdia side, and in July 1994, the head of the pro-Gamsakhurdia paramilitary group, Vakhtang "Loti" Kobalia, was arrested on criminal charges, effectively decapitating the armed political opposition. Acts of violence in the power struggle have all but ceased.

ABKHAZ SEPARATISM

The October 1992 election was overshadowed by the outbreak of war in Abkhazia in August. The history of Abkhaz, Georgian, and Russian relations is long, and the facts subject to disputations by experts for one side or the other.

Russia annexed Abkhazia in the time of the tsars, in 1864. Four years after the Russian Revolution, in March 1921, Abkhazia was proclaimed an independent Union republic in the USSR, separate from the Union republic of Georgia. Later that year, however, Abkhazia became part of the Soviet Socialist Republic of Georgia as a result of the Treaty of Union between Georgia and Abkhazia, although Abkhazia retained its status as a Union republic until the early 1930s. In 1925 Abkhazia adopted its own constitution and existed for decades in federated status in the Georgian republic.

In 1978, Abkhazia tried unsuccessfully to secede from the Georgian Soviet Socialist Republic and become incorporated into the Russian Federation. Twelve years later, in 1990, an amendment to the Abkhaz constitution was adopted – with the agreement of the Georgian Union republic parliament in Tbilisi – establishing ethnic quotas for elected representatives to the local Abkhazian assembly: Abkhazians would receive an automatic minimum of twenty-eight deputies, Georgians twenty-six, and the "Russian-speaking population" eleven.

Objections to the ethnic quota law caused a reversal of policy in the Georgian Supreme Soviet, which in August 1990 adopted an election law prohibiting the participation of locally based parties, including the Abkhaz Popular Front (the Aydgylara). In response, the Abkhaz Supreme Soviet declared the Abkhaz republic independent of the Georgian republic; the government of Georgia refused to recognize the declaration. In December 1990, an Abkhaz parliament was formed.

In March 1991, Georgia boycotted the all-Union referendum on preserving the USSR. The Abkhaz republic (or at least the ethnic Abkhaz population) took part in the referendum, rejecting the boycott; among that population, the treaty preserving the USSR passed with a reported 98 percent of the vote. Later that same year, in November, Abkhaz representatives joined an agreement of confederation with "thirteen peoples of the North Caucasus and Abkhazia."24 The Georgian government did not recognize the declaration. Instead, in February 1992, it announced a return to the 1921 constitution, which, if made effective, would have reduced Abkhaz legal autonomy by eliminating its confederated status with Georgia. A few months later, Georgian deputies in the Abkhaz republic's parliament in Sukhumi announced they would boycott the assembly; ethnic Abkhazians and ethnic Georgians each then formed rival local Abkhazian parliaments, boycotting each other's votes.

On June 23, 1992, the Abkhaz Supreme Soviet passed a resolution purporting to terminate the validity of the 1978 Abkhaz constitution, thereby returning to the 1925 constitution, which established Abkhazia merely in federation with Georgia. One month later, on July 23, 1992, the Abkhaz Supreme Soviet declared sovereignty under the 1925 constitution.

Following several tense days in Sukhumi in June 1992, in which armed groups assaulted the Minister of Internal Affairs of Abkhazia in his office,25 the Georgian government under Shevardnadze (which had just survived an attempted coup by Gamsakhurdia's supporters in Tbilisi) 26 announced a "political warning strike" by radio, demanding the dissolution of the Abkhaz parliament, the resignation of the Abkhaz Autonomous Republic government, and new elections for the Abkhaz Supreme Soviet.27 The Georgiangovernment cut electricity and telephone service to the Abkhaz capital Sukhumi for several hours on July 1, 1992, as part of its pressure campaign.28

The next day, on July 2, an agreement was reached between Georgian and Abkhaz representatives subordinating all armed forces on the territory of Abkhazia to the Georgian Defense Ministry, although day-to-day control was to be exercised by the Abkhaz parliament and a military coordinating council. The Georgian Defense Ministry, however, was little more than a paper entity, since the real fighting forces in Georgia (nominally under the command of Shevardnadze's civilian government) were Kitovani's National Guard and Ioseliani's Mkhedrioni. Mid-July 1992 through August 1992 saw a series of armed actions in the civil war by Gamsakhurdia supporters which ultimately had great bearing on the outbreak of the Abkhaz war. On July 6, 1992, Gamsakhurdia forces reportedly blew up two bridges in western Georgia and laid siege to a school building where Mkhedrioni fighters were garrisoned; the siege was finally broken by other Georgian troops.

Still more importantly, on July 9, 1992, Chairman of the Georgian governmental Committee for Human Rights and Interethnic Relations and key negotiator Aleksandre Kavsadze and other government officials were taken hostage by Gamsakhurdia forces and held in their home territory of Mingrelia in northwest Georgia near Abkhaz territory. On August 11, 1992, Georgian Interior Minister Roman Gventsadze and ten other Georgian officials, who had gone to the town of Zugdidi in western Georgia, a region of Gamsakhurdia supporters, to negotiate the release of Kavsadze and other Georgian government hostages, were themselves taken hostage by Gamsakhurdia's forces.29 It appeared that the hostages were held in Kokhra village, in the Gali region of Abkhazia.30 The Abkhaz interior minister, after unsuccessfully negotiating for the hostages' release, announced that Georgian and Abkhaz soldiers would jointly conduct an operation to release the hostages.31 Meanwhile, on August 13, 1992, the Georgian Interior Ministry Press Center announced that Georgian police officers were forming combat units under the command of Kitovani to go and free the hostages.32

On the night of August 13-14, 1992, a mechanized battalion of the Georgian National Guard, commanded by Kitovani and comprised reportedly of about 1,000 men, five tanks, a helicopter, and ten cannon entered the Gali region of Abkhazia, avowedly for the purpose of releasing the thirteen Georgian government hostages. However, the Georgian battalion went on from villages of the Gali region to the Abkhaz capital of Sukhumi where, as detailed in the next chapter, it attacked Abkhaz government buildings and proceeded, after fierce but disorganized fighting, to take the city. Thus open warfare began in Abkhazia.

THE RUSSIAN ROLE BEFORE THE CONFLICT

Like nearly every other aspect of Russian action in the Caucasus, Russian involvement in Abkhazia prior to the outbreak of war was fluid, ambiguous, contradictory, and appeared to represent the interaction, sometimes collusion and sometimes collision of several different political and military interests, rather than any single coherent policy.33 Some trends can be discerned, at least with respect to the supply of weapons and security assistance.

Weapons supplies to the parties

The Georgian forces inherited a certain amount of former Soviet equipment from military bases on Georgian territory, commanded by the Transcaucasus Military District headquarters, originally of the Soviet Union and subsequently of the Russian Federation, in Tbilisi.34 Some of this equipment was gained by local raids on supply depots by irregular Georgian paramilitary forces, but the transfer of the bulk of the military equipment took place under bilateral agreements between Russia and Georgia pursuant to the breakup of the USSR.35 It is apparently this equipment that has largely sustained Georgian forces during the course of the Abkhazconflict. It included such major weapons systems as main battle tanks, armored personnel carriers, heavy artillery and heavy mortars.36 These transfers have not been secretive, and the general types of weapons transferred have been acknowledged by the parties.

Abkhaz weapons sources prior to the conflict are harder to identify, although there is little doubt that whatever weapons there were came from Russian or Soviet sources. But this fact does not address the more important question, viz., what Russian sources supplied the weapons, and at what level of command? Several sources indicated to Human Rights Watch that, in their view, Abkhaz forces prior to the outbreak of hostilities had relatively few weapons except for small arms, and especially few, if any, heavy weapons, such as heavy artillery, that later came to play a prominent role in the fighting.37 Methods of fighting by the Abkhaz forces upon the immediate outbreak of hostilities appear to bear out this claim for initially few, if any, heavy weapons.

IV. ACTS OF LAWLESSNESS DURING THE FIRST TWO MONTHS OF FIGHTING, AUGUST TO SEPTEMBER 1992

The thirteen Georgian hostages held by Gamsakhurdia forces in an Abkhaz village served as the declared reason for the movement of Kitovani's National Guard units into Abkhazia. Ten of these men were freed by August 14, 1992 under Georgian military pressure. The remaining three were freed on August 19.38

THE GEORGIAN ATTACK ON SUKHUMI

Georgian National Guard forces, estimated to be around a thousand troops, continued on from the villages of the Gali region of Abkhazia where the hostages were held to the Abkhaz capital city of Sukhumi.39 They reportedly took control of the Sukhumi airport – about twenty-five kilometers from the city center – around noon on August 14. By 1:00 p.m. they were forcing their way into the city. Although a news blockade was imposed on journalists, by 2:00 p.m. reliable reports filtered out of the city that the Abkhaz Council of Ministers building in Sukhumi was being shelled from the sea.40 A parliamentary deputy, Natela Akaba, told Human Rights Watch:

On August 14 I was in the parliament building in Sukhumi. Around 11 a.m. we got a call. They said that a huge line of tanks had entered Ochamchira region. [A fellow deputy] didn't believe it because he had had a very friendly conversation with Shevardnadze. We completely did not expect this turn of events. There had been an agreement in the Gali region to send joint [Abkhaz and Georgian] troops to retrieve hostages, but that was far from Sukhumi....I went to the window of the Council of Ministry building. There was cross-fire. I saw helicopters and realized it was really serious, a landing of troops. It was decided that all deputies get into cars and leave because it was assumed that we would be the first targets. We went straight to Gudauta. The city was captured in the course of a half hour.41

Refugees and others present in Sukhumi at the time of the fighting conveyed to Human Rights Watch a picture of chaotic fighting. Georgian troops moved forward with tanks and armor, street by street, damaging many buildings with artillery shells, particularly government installations. Shevardnadze confirmed from Tbilisi that afternoon that there were clashes between Kitovani's National Guard troops and what were described as Abkhazia's MVD (Ministry of Internal Affairs) troops.42

Armed opposition to the Georgian incursion initially came from Abkhaz members of the MVD troops. The latter were relatively few in number, however, and armed only with small arms and light weapons. They faced what the press described as a mechanized battalion.

The Abkhaz defenders, who came to include members of the local Abkhaz population, used whatever weapons were available, built barricades in the streets, and hurled Molotov cocktails at Georgian troops.43 A man in his sixties on crutches, his left leg amputated up to his thigh, recounted the following to Human Rights Watch:

I lost my left leg at 5 p.m. on the first day of the battle. I was shot by machine gun fire. We had gone out to meet [the Georgian forces] on the White Bridge. I was armed with a house gun. Of course, they were stronger than we were. We were completely unprepared. We didn't have five machine guns among us. They came in with tanks and machine guns.44

A doctor on duty in one of the Sukhumi hospitals described a scene of bedlam, with the wounded being brought in from both sides, an utter lack of essential supplies, and the hospital occasionally being attacked in the course of the night with small arms fire and sometimes shells.45 The number of civilian casualties was highest relative to combatant casualties in the early days of fighting in and around Sukhumi. An estimated fifty persons were killed on the first day.46

THE AFTERMATH OF THE ATTACK

Although Sukhumi was reported calm on August 15, and cease-fire negotiations went forward, fighting resumed across the Gumista river, just north of Sukhumi, on the morning of August 16.47 The cease-fire agreement drafted the previous day called for Georgian troops to withdraw from the conflict zone, but on August 18, Kitovani's National Guard instead entered downtown Sukhumi and stormed the parliament building.48

In the face of losing Sukhumi, the Abkhaz government withdrew to the town of Gudauta north of Sukhumi, where it announced a full-scale mobilization of all Abkhaz men from eighteen to forty years of age.49 Abkhaz forces also reportedly captured around 1,000 automatic weapons from an army unit of the Commonwealth of Independent States deployed in Abkhazia.50 Georgian National Guard troops entered the village of Gantiadi on the afternoon of August 15.51 Georgian troops also entered and took the towns of Leselidze and Gagra, close to the Russian

border, landing from the sea. At this stage of the fighting, Abkhaz defenders were essentially hemmed in on the southeast, where the Georgians held Sukhumi, and on the northwest, where the Georgians held the border towns. The Abkhaz held only a slice of territory in the middle, around the town of Gudauta.

Fighting escalated following the arrival of volunteers from north Caucasus republics sympathetic to the Abkhaz – mostly from the republics that had signed the Confederation of Mountain Peoples document, including ethnic Chechens and Ingush. These volunteers amounted to at least hundreds in the first days of fighting. Russian volunteers and perhaps mercenaries – apparently not ethnic Russians from Abkhazia but instead "outsiders" – also quickly began arriving in the conflict zone.

On August 18, there were reports of intensive shelling of those parts of Sukhumi still holding out against the Georgian forces, as well as Abkhaz positions across the Gumista river and Gudauta, the last stronghold of the Abkhaz. Georgian helicopters and jetaircraft were reported to be taking part in the hostilities.52 On that same day, Georgian troops took the Council of Ministers building in Sukhumi and raised the Georgian flag. Soon thereafter they took the remaining state institutions, including the television broadcasting station, telegraph and telephone companies, and the port. Kitovani declared the next day that the entire territory of Abkhazia was under Georgian control, except for the town of Gudauta and its suburbs.53 The strategic issue, therefore, given the will of Abkhaz forces to resist, was whether they could lay hands on enough weapons to oppose Georgian forces before the Georgians had time to consolidate their positions.

RUSSIAN INTERESTS AT THE OUTSET OF HOSTILITIES

The Russian Federation was drawn into the conflict in a number of ways. The resort towns along the Abkhaz coastline, including Sukhumi, were filled with tourists, many Russian, who on the afternoon of the attack were literally lying on the beaches. Most were able to flee north along the coastal highway toward the Russian border at the town of Sochi.54 On August 16, Russian paratroopers began to evacuate civilians from the conflict.55 By August 20, nearly 10,000 civilians had been evacuated by sea by the Russian Black Sea fleet.56

Russian forces also faced pressure and sometimes outright attacks on their military installations, at Batumi, Vaziani (near Tbilisi), Gudauta, Poti and Akhalkalaki, the defense research center at Eshera, and personnel by both sides, most often in an effort to seize weapons. Although for a variety of reasons, ranging from corruption to sympathy for one side or the other (typically for the Abkhaz), there was leakage of weapons from these facilities, the official Russian government position was one of neutrality. Russia became less tolerant of armed raids on its installations and began to enunciate a policy of forcible neutrality, declaring that its installations would be defended with force – as they were on several occasions as the conflict went on.57 At the same time, pursuant to pre-existing bilateral agreements with the Georgian government, the Russian government turned over to the Georgians several large military facilities, including the Akhaltsikhe motorized rifle division on September 22.58

From the outset, Russia called upon both sides to negotiate, though the Russian Supreme Soviet adopted a resolution on August 25, as fighting continued and cease-fires brokered by the Russian government did not hold, accusing Georgia of provoking the armed conflict by its military incursion. Days later, the Russians had mediated an agreement between Shevardnadze and the Abkhaz leadership, signed on September 3, 1992, which provided for a cease-fire and the withdrawal of Georgian troops from the conflict zone.59

In keeping with this official position of neutrality, the Russian procuracy initiated criminal proceedings against the Confederation of Mountain Peoples of the Caucasus as an unregistered association "for inciting national discord, carrying out terrorist acts and taking hostages."60 Under pressure from the Russians, agreement was reached on August 26 for the withdrawal of non-Abkhaz volunteers from the Confederation. Two days later, on August 28, Russian helicopters landed in Abkhaz-controlled Gudauta to take the first hundred mostly Chechen fighters out.

In addition, the Russian government consistently saw itself as having a humanitarian role to play in the conflict. The rescue operations conducted by the Black Sea fleet in the first days of the fighting were not limited to the evacuation of Russian nationals. On September 22, the Russians brokered an agreement for the distribution of Russian humanitarian aid to both sides.61 Later in thewar, Russian humanitarian assistance proved crucial in the evacuation of Georgian refugees from areas retaken by the Abkhaz. It was also crucial in relieving the suffering of civilians in the mountain town of Tkvarkcheli, held by the Abkhaz and besieged by the Georgians.

HUMAN RIGHTS ABUSES IN THE FIRST WEEKS OF HOSTILITIES

The military situation of the opening weeks of the conflict was characterized by Georgian forces exercising control of Abkhaz territory. Because of the ethnic make-up of the population, both Georgian and Abkhaz forces were operating among both hostile and friendly population

groups. This fact inevitably figures in the pattern of human rights abuses committed over the course of the conflict, because it establishes both parties' incentives to drive civilian populations from one place to another.

Within days after Sukhumi was taken by Georgian National Guard troops, and as additional Georgian forces flowed into the city (including the Mkhedrioni), a pattern of vicious, ethnically based pillage, looting, assault, and murder emerged.62 Although some of the victims in Sukhumi were Georgian, the city's Abkhaz residents were the main victims during this period of the conflict. No one disputes that all sides engaged in high levels of criminality. One young Abkhaz refugee told Human Rights Watch, for example:

On September 13, Georgian guardsmen came to my neighbors on the ninth floor. I live on the sixth floor. They were yelling, so I heard everything. They said: "Give us your gold!" My Georgian neighbors went up to them and said: "Why are you doing this?" They answered: "They are Abkhaz and we can do what we like." The next morning I left. I was unable to leave earlier because of my child, who is nine. I left everything behind. I took just a small bag with the bare necessities for the child. Mkhedrioni would drive around at night and shoot out the windows. They would yell: "Abkhaz!...This is your death!" They would [also] go out on the balconies and just throw things off: crystal, dishware, [you name it]."63

Another Abkhaz refugee from Sukhumi reported to Human Rights Watch, in an account typical of many others, that a few days after the invasion was over, armed men broke into his house at night and threatened him with death if he did not leave Sukhumi. He reported that after they smashed his possessions and beat him up, he decided to flee.64

Another refugee family described how drunken men broke into their apartment firing automatic weapons and telling them to leave Sukhumi "forever, because Sukhumi is Georgian." The family claimed that the soldiers stole jewelry, assaulted the husband, and then threw them all out into the street. The same witnesses reported seeing dead civilians, including women and elderly people, in the street, although fighting had been over for days.65

The pattern that emerges from refugee testimony taken by Human Rights Watch is one of gross intimidation by Georgian forces for the purpose of terrorizing, robbing and driving the Abkhaz population out of their homes. While the Georgian forces appeared to be operating under no particular command, they did seem to have a clear agenda. They roamed through the city at will, especially at night, looting and pillaging. While political negotiations took place in Moscow, armed Georgian men poured daily into Sukhumi, intoxicated by a heady mixture of nationalism and privateering. The first of many cease-fire agreements, signed August 16, called for Georgian troops to withdraw from the conflict zone; fighters in Sukhumi therefore had plenty of incentive to take whatever loot they could with them at every opportunity.

Many of the Georgian fighters were from Abkhazia themselves. Whereas eyewitness accounts emphasize that some local Georgians assisted and protected ethnic Abkhaz during the course of the conflict, sometimes at great personal risk, many local Georgians proved to be among the most stubborn and cruel fighters on the Georgian side. In part this was because they saw themselves as fighting to protect their homes and families. But once Georgian forces held sway over most of the territory, these fighters had a different aim as well: to make clear that Abkhazia would always be part of Georgia, and that the Abkhaz were an ethnic minority even in Abkhazia.

Many of the Georgians of Abkhazia, on the evidence of Human Rights Watch interviews, bitterly resented earlier political concessions made by the central government in far-away Tbilisi that gave the minority Abkhaz a guaranteed majority in the local Abkhaz parliament. The ethnic Abkhaz had exercised that majority, in the view of the local Georgians, to oppress the non-Abkhaz. Clearly, there were political scores to settle in Sukhumi, not the least of which was, in the eyes of many local Georgians, to prove that Sukhumi was subordinate to Tbilisi.

The Abkhaz